

LICENSING SUB-COMMITTEE

Monday, 25 November 2024

Attendance:

Councillors:

Morris (Chairperson)

Cunningham

Laming

Other Members in attendance who did not speak at the meeting:

Councillor Pett

Officers in attendance:

Carol Stefanczuk – Licensing Manager

David Ingram – Service Lead: Public Protection

Daniel Lucas – Senior Planning and Litigation Lawyer

1. TO CONFIRM A CHAIRPERSON FOR THE MEETING

RESOLVED:

That Councillor Morris be confirmed as Chairperson for the meeting.

2. DISCLOSURE OF INTERESTS

There were no disclosure of interests made at this meeting.

3. APPLICATION FOR A REVIEW OF PREMISES LICENCE - BOOMTOWN FAIR, MATTERLEY BOWL, ALRESFORD ROAD, WINCHESTER (LR588) (LESS EXEMPT APPENDICES)

The Chairperson welcomed all those present to the meeting:

Premises Licence Holders (and those acting on behalf of):

- Matthew Phipps – Solicitor, TLT LLP acting on behalf of the Premises Licence Holders, Boomtown Festival UK Limited
- Luke Mitchell – Boomtown Festival UK Limited

Other Persons who made written representations and addressed the Sub-Committee:

- Councillor David Pain (for Cheriton Parish Council)
- Brendan Gibbs on behalf of Tichborne Parish Council
- Terence Jones

The Licensing Manager introduced the report which set out an application for the review of the premises licence under section 51 of the Licensing Act 2003 for Boomtown Fair held annually at Matterley Bowl, Alresford Road, Winchester which had been submitted on 2 October 2024 by PC Brian Swallow on behalf of the Chief Officer of Hampshire and Isle of Wight Constabulary, a Responsible Authority as defined under section 13 of the Licensing Act 2003. The applicant served a copy of the application on all other Responsible Authorities and the Premises Licence Holder on 2 October 2024.

The public report and appendices, which included representations from 17 'Other Persons', were issued to members and made publicly available on the council's website. The report contained exempt appendices containing the full police review application, with supporting documents and the licence holder's evidence.

The Sub-Committee were advised that the application related to the prevention of crime and disorder and public safety licensing objectives following the death of a 22-year-old male at this year's event of a suspected overdose of unlawful drugs, as set out in Appendix 1 of the report. An unredacted full application which was exempt from publication was set out in Appendix 4 to the report.

The applicant had requested that the following additional conditions were imposed on the premises licence to ensure that the licensing objective were upheld:

- (a) Any person entering the event and found to be in possession of unlawful drugs, shall be refused entry.
- (b) Any person in the event found in possession of unlawful drugs, shall be ejected (unless there is an immediate medical reason not to).

The Licensing Manager advised that Boomtown Festival UK Limited had held the premises licence PREM773 since 30 July 2019. The licence authorised regulated entertainment, late night refreshment and supply of alcohol on one occasion per calendar year for six consecutive days. A full copy of the premises licence was set out in Appendix 3 of the report.

No representations had been received from other Responsible Authorities. However, it was noted that the South Downs National Park (SDNP) had stated that they agreed with the suggested wording of additional conditions and supported the police in seeking this.

The Licensing Manager reminded all parties that planning and licensing regimes were separate matters and were subject to their own enforcement.

The Sub-Committee were advised that 17 written representations had been received from 'Other Persons'. These representations were set out in full in

Appendix 2 and largely related to the prevention of public nuisance licensing objectives.

The Licensing Manager notified the Sub-Committee that on Thursday, 21 November 2024, the licensing authority had received an email on behalf of the Chief Officer of Hampshire and Isle of Wight Constabulary which read as follows:

'The Chief Officer of Police hereby gives notice that they are withdrawing the review application for Boomtown Fair Ltd that is scheduled for a Licensing hearing on 25th November.'

He wishes to seek continued engagement and mediation with the operators and their legal representatives to reach a suitable outcome that is agreeable to all parties by addressing the issues and concerns that have been highlighted within the application. It is hoped that this outcome can be achieved prior to next year's event.'

Following notification of the withdrawal of the application by the Police, the Sub-Committee sought legal advice on the situation and how it could proceed with the remainder of the review process.

In response, the Council's Litigation Lawyer stated that prior to the withdrawal of the police representation engaging the prevention of crime and disorder licensing objective, during the advertisement for the review process, 17 'Other Persons' had submitted written representations. Reference was made to the provisions in law to allow for a hearing to be adjourned. The Sub-Committee's attention was drawn to the provision under the Licensing Act 2003, Hearing Regulations 2005, Regulation 12 in this respect. It was recognised that the 17 'Other Persons' may have made representations that engaged in alternative licensing objectives to that of the Police.

In conclusion, the Council's Litigation Lawyer advised the Sub-Committee to consider the point of adjournment in its entirety solely on the relevant procedural point and suggested that the views the Premises Licence Holders and the 'Others Persons' present in the hearing be sought regarding the adjournment, in order for the Sub-Committee to determine if it was necessary to consider any representations or notice made by any party. It was noted that this would allow the Premises Licence Holders fair and reasonable time to reinterpret their response in light of the 17 representations received by 'Other Persons' and would also give the 17 'Other Persons' the opportunity to consider their position ahead of a reconvened meeting date being established to determine the remaining substantial elements of the application and what these may be.

At the invitation of the Chairperson, Matthew Phipps, acting on behalf of Boomtown Festival UK Ltd, addressed the Sub-Committee regarding the adjournment of the hearing.

In summary, Mr Phipps stated that he would be supportive for an adjournment of the hearing due to the short notice given of the withdrawal of the application by the police. He suggested that the withdrawal of the application by the police

raised questions of what the proposition would now be and that, in the interests of transparency, they wished to reflect on this matter.

Mr Phipps emphasised that the basis in which adjournments were permitted during licensing proceedings were if it was deemed in the interests of justice. He clarified that evidence submitted had been largely directed to the application, some of this evidence touched upon the points raised in the written representations of the 17 'Other Persons'. It was considered that elements of the evidence submitted directed at the police submission in respect of the prevention of crime and disorder licensing objective may still be considered relevant to the 'Other Persons' written representations, but this would need to be reviewed.

In conclusion, Mr Phipps stated that a settled position would allow the Sub-Committee to proceed but recognised that this had not yet been achieved, therefore he was supportive of an adjournment.

In response to questions, Mr Phipps confirmed that his client would have been represented by Counsel in the instance of the full application being heard and therefore advice would need to be taken on whether this position remained the same for any possible adjourned hearing at a future date.

The Chairperson then invited three 'Other Persons' who had made relevant written representations to address the Sub-Committee solely in respect of the adjournment of the meeting.

Councillor David Pain spoke on behalf of Cheriton Parish Council. In summary, he highlighted that substantial evidence had already been provided in a 37-page document attached to supplementary agenda number one. Mr Pain urged the Sub-Committee to proceed with the hearing despite the police's withdrawal of their application, emphasising the importance of serving the public interest by continuing and completing the process.

Brendan Gibbs spoke on behalf of the Tichborne Parish Council and expressed disappointment over the police's late withdrawal of their application. He supported the proposal for adjournment, stating that more time was needed to consider the next steps. Mr Gibbs reiterated the council's concerns about public nuisance and indicated that addressing these concerns now would be beneficial

Terence Jones addressed the Sub-Committee, mentioning that he had lived near the Boomtown site for 39 years. He argued against postponing the meeting, noting that all relevant material had been supplied to Boomtown's ecological advisors months ago. Mr Jones emphasised that postponing the meeting would not provide any new knowledge and that the parties should proceed with the hearing.

In response to a point raised by Mr Jones, the Council's Litigation Lawyer clarified that although amplification of the certain points within written representations would be acceptable, no new additional material outside of the original content of the submitted written representation would be accepted.

The Sub-Committee retired to deliberate in private.

In his closing statement, the Chairperson stated that having considered the representations from the representatives of the Premises Licence Holder and other interested parties, the Sub-Committee have decided to adjourn the hearing to a future date.

This shall allow all parties to consider the remainder of the Review in light of the Police's withdrawal of representations. Furthermore, the adjournment shall facilitate consideration of the unique circumstances which have arisen which may engage elements which require consideration of the law and whether the remainder of the Review can continue.

In the interests of justice, the Sub-Committee decided that an adjournment of this hearing was required and authorised officers to find a suitable time and date for all parties so that this can be reconvened.

RESOLVED:

That the Sub-Committee be adjourned, with a suitable time and date to be arranged in due course.

4. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
5	Application for a Review of Premises Licence – Boomtown Fair, Matterley Bowl, Alresford Road, Winchester (exempt appendices)	Information relating to any individual (Para 1 Schedule 12A refers)
		Information which is likely to reveal the identity of an individual (Para 2 Schedule 12A refers)
		Information relating to any action taken or to be taken in connection with the prevention, investigation and

-) prosecution of crime (Para 7
-) Schedule 12A refers

5. **APPLICATION FOR A REVIEW OF PREMISES LICENCE - BOOMTOWN FAIR, MATTERLEY BOWL, ALRESFORD ROAD, WINCHESTER (LR588 - EXEMPT APPENDICES)**

Due to the withdrawal of the review application by the Police, and the subsequent adjournment of this Sub-Committee as set out above, the content of the exempt appendices to Report LR588 were not considered.

The meeting commenced at 11.00 am and concluded at 11.40 am

Chairperson